

REMARKS

Please cancel Claims 3 and 12 without prejudice. New Claim 21 is added herein. Claims 1, 2, 4-11 and 13-21 are pending. Claims 1, 2, 4, 7, 8, 10, 11, 13, 18 and 19 are amended herein. No new matter is added as a result of the claim amendments.

102(b) Rejections

The instant Office Action states that Claims 1, 2, 4-11 and 13-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kimmel et al., "A Variational Framework for Retinex" ("Kimmel;" XP-002243109). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1, 2, 4-11 and 13-20 is not anticipated nor rendered obvious by Kimmel.

Independent Claim 1 recites that an embodiment of the present invention is directed to a method comprising "calculating a gradient of a penalty functional, wherein the penalty functional includes a weight function that obtains values close to the logarithm of the illumination of the image over most parts of the image."

Independent Claim 10 recites that an embodiment of the present invention is directed to a system comprising "an iterative algorithm that processes each of the one or more resolution layers, wherein the iterative algorithm, for each of one or more iterations, calculates a gradient of a penalty functional, wherein the penalty functional includes

a weight function that obtains values close to the logarithm of L over most parts of the image."

Independent Claim 19 recites that an embodiment of the present invention is directed to a method comprising "processing the resolution layers using an iterative algorithm, wherein the iterative algorithm, for each of one or more iterations, calculates a gradient of a penalty functional, wherein the penalty functional includes a weight function that obtains values close to the logarithm of L over most parts of the image."

Page 14, lines 19-20, of the instant specification provides support for the limitations of independent Claims 1, 10 and 19 cited above. It is respectfully noted that the information on page 14, lines 19-20, is not shown or suggested by the Kimmel reference. Accordingly, Applicants respectfully submit that the limitations of Claims 1, 10 and 19 are not shown or suggested by Kimmel.

Therefore, Applicants respectfully submit that the present claimed invention, as recited in independent Claims 1, 10 and 19, is not shown or suggested by Kimmel. Accordingly, Applicants respectfully submit that the basis for rejecting Claims 1, 10 and 19 under 35 U.S.C. § 102(b) is traversed, and that these claims are in condition for allowance. As such, Applicant respectfully submits that the basis for rejecting Claims 2, 4-9, 11, 13-18 and 20 under 35 U.S.C. § 102(b) is also traversed, as these claims are

dependent on allowable base claims and contain additional limitations that are patentably distinguishable over Kimmel.

Furthermore, in one embodiment, the penalty functional cited in independent Claims 1, 10 and 19 is that recited in Claims 4, 13 and 21 dependent on Claims 1, 10 and 19, respectively. Equation 3 on page 14, line 22, of the instant specification provides support for the limitations of Claims 4, 13 and 21. It is respectfully noted that equation 3 is not shown or suggested by the Kimmel reference. Accordingly, Applicants respectfully submit that the limitations of Claims 4, 13 and 21 are not shown or suggested by Kimmel. For this additional reason, Applicants respectfully submit that the basis for rejecting Claims 4, 13 and 21 under 35 U.S.C. § 102(b) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1, 2, 4-11 and 13-20, and new Claim 21, overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

Applicants have reviewed the references cited but not relied upon. Applicants did not find these references to show or suggest the present claimed invention: US 4,839,721; US 6,038,339; and US 6,304,294.

"The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: 7/14/04


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10001200-1
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Serial No.: 09/843,834
11 Group Art Unit: 2625